

**State Program Standing Committee
for Adult Mental Health**

Monday, November 14, 2016

MINUTES

Location of Meeting: Beech Conference Room, NOB 2 North, Waterbury

MEMBERS Clare Munat, Malaika Puffer, Uli Schygulla, Marla Simpson, and Dan
PRESENT: Towle

DMH

STAFF: Mourning Fox, Emma Harrigan, Melinda Murtaugh, and Trish Singer

Facilitator: Dan Towle

Departmental Update: Mourning Fox

In order to do as much as possible to accommodate a schedule conflict that arose for Fox today, the Standing Committee heard the Departmental Update from him during the first twenty minutes of this meeting.

Continuing Discussions on Planned Secure Recovery Residence. Fox told Standing Committee members that DMH is looking for clarification of “secure,” “justice-involved,” and other important terms from the Center for Medicare and Medicaid Services (CMS). The state statute is diametrically opposed to the federal government’s regulations, he added, and the discussions seek to resolve the inconsistencies of usage. Another aim of the discussions is to clear away the ambiguity around whether the facility might be privately run in the future. Conversations with legislators focus on meeting the needs of “higher-end” individuals who no longer need hospital-level care. Middlesex is a “voluntary” program now, meaning that the consumer has to be willing to go there, even though all who are admitted are on orders of nonhospitalization (ONH), which, technically, is regarded as an involuntary status. CMS currently holds that Vermont is in violation of federal regulations to be able to receive federal funds to support the program. DMH wants clarification before issuing a Request for Proposals and setting a period for public comment along with the rest of the process for building a permanent facility.

Commissioner’s PowerPoint Presentations. Commissioner Frank Reed was one of the speakers at the annual meeting of the Vermont Chapter of the National Association on Mental Illness (NAMI—VT) this past Saturday, and he is giving testimony this afternoon to the Health Reform Oversight Committee. Fox will send the PowerPoint versions to Melinda Murtaugh for circulation to the Standing Committee.

Recognition for Marla Simpson by the Clara Martin Center. Fox congratulated Marla on winning the CMC's community award for excellence last week. The award honors Marla's work on four committees and councils, two of which are Governor-appointed memberships. Marla's work helps in bringing advocacy awareness to mental health and the fight against poverty.

The Usual Introductory Items: Dan Towle

Dan reviewed the agenda and noted that Karen Barber is at a conference today. He removed the agenda item having to do with the Kuligoski decision and rescheduled it for the December meeting. Emma said that the Department of Mental Health has been tracking emergency examinations and warrants for hospital admissions for mental-health treatment for adults since April 2013. The state experienced the highest number of adults screened for involuntary inpatient admission during the quarter (fourth quarter of Fiscal Year 2016, or April-June 2016) that the Kuligoski decision was handed down. Clare expressed her opinion that the legislature will deal with resolving the issues raised by the decision.

Uli Schygulla volunteered to be timekeeper this afternoon. Marla made a motion to approve the minutes of the October 10 meeting as written, Uli seconded Marla's motion, and the members present voted unanimously to accept the minutes as written.

Home- and Community-Based Services (HCBS) Waiver: Emma Harrigan

Emma distributed four different documents for her presentation on Vermont's work to bring Community Rehabilitation and Treatment (CRT) programs into alignment with federal HCBS regulations:

- HCBS and CRT: Systemic Assessment, Remediation, and Alignment of the CRT Program
- HCBS and CRT: Applicable Service Arrays, Settings, and Programs
- Comprehensive Quality Strategy Systemic Assessment, HBCS Waiver for CRT Services (November 2016)
- Appendices

Emma went through the major points of all four documents with the Standing Committee. She said that DMH is still awaiting word from CMS on DMH's status with regard to Vermont's plan to address HCBS requirements. DMH is still looking through the regulations to see if Vermont is following the federal rules.

Emma asked for input from Standing Committee members on the items listed in the appendices. The public comment period will run from December 1-31 of this year. If members have additional questions or concerns, they should write them down and send them to Emma before December 31. Standing Committee members should also read Appendix C, which begins on page 25.

Public Comment

None.

Additional Items Not on the Agenda

Block Grant Planning Council. Emma let Standing Committee members know that the relationship between Vermont's Standing Committees and the Block Grant Planning Council might be changed soon. She hopes to have more definite word about the changes by the December meeting.

DMH Medical Director Is Leaving. J Batra has accepted a position at a community mental health agency in Brooklyn. His last day with DMH will be December 31.

Items for December Agenda

- ✓ Review of agenda and time slots assigned, introductions, approval of notes for meeting of November 14, appointment of a timekeeper
- ✓ Departmental update
- ✓ Report from the Planning Council meeting of November 17
- ✓ Updates on housing (issues, developments, etc.): Brian Smith
- ✓ Public comment
- ✓ Kuligoski decision: Karen Barber
- ✓ January agenda items

Items for Future Agendas

- ✓ What is the system going to look like if shortages of psychiatrists continue? And other workforce issues
- ✓ Advocacy issues for 2017
- ✓ Letter to Governor Scott
- ✓ Kristin Chandler and Cindy Taylor Patch: Law enforcement/mental-health providers collaboration

Marla made a motion for adjournment and Uli seconded it. The meeting adjourned at 2:55 p.m.